

# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10551-10600.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 28, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10551. Misbranding of Nux-Auro-Papanad. U. S. \* \* \* v. 124 Packages of \* \* \* Nux-Auro-Papanad. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13568. I. S. Nos. 10065-t, 10329-t. S. No. W-723.)

On August 25, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 124 packages of Nux-Auro-Papanad, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Apothecaries Co., New York, N. Y., on or about June 10, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of red sugar-coated pills containing strychnine, salts of zinc, calcium, and lithium, and creosote.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the bottle as follows, "Nux-Auro-Papanad \* \* \* Restorative, Aphrodisiac \* \* \* Indicated in \* \* \* Vaso-Motor-Paresis, Neurasthenia, Melancholia, Malnutrition, General Debility, Sexual Exhaustion \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10552. Adulteration and misbranding of mustard. U. S. \* \* \* v. 68 Jars and 5 Cases \* \* \* and 5 Cases \* \* \* of Canton Brand Mustard. Default decrees of condemnation and forfeiture. Product delivered to charitable institution.** (F. & D. Nos. 13997, 13998. I. S. Nos. 8668-t, 8669-t, 8667-t. S. Nos. E-2900, E-2901.)

On or about December 15, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 68 jars and 10 cases, each containing 6 gallon jugs, of mustard, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by the Canton Canning Co., Canton, Ohio, on or about August 26, September 30, and October 5, 1920, re-

spectively, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Canton Brand Prepared Mustard \* \* \* Packed by the Canton Canning Co., Canton, O."

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing on the labels of the jugs and jars containing the article, "Canton Brand Prepared Mustard. Made from Pure Mustard Seed with Salt, Spices and Vinegar. Colored with Turmeric," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 3, 1922, no claimant having appeared for the property, judgments of the court were entered forfeiting the product to the Government and ordering that it be delivered to the Wheeling Hospital, Wheeling, W. Va., for the use of the inmates therein.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10553. Misbranding of C. J. C. regulator and C. J. C. Liniment. U. S. \* \* \* v. Chester J. Czarnecki (C. J. Czarnecki). Plea of guilty. Fine, \$800 and costs. (F. & D. No. 14755. I. S. Nos. 9953-r, 9954-r.)**

On May 8, 1922, the Grand Jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment in four counts against Chester J. Czarnecki, trading as C. J. Czarnecki, at South Bend, Ind., charging shipment by said defendant, on or about April 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Wisconsin, of quantities of C. J. C. regulator and C. J. C. liniment, respectively, which were misbranded. The articles were labeled in part, respectively: (Cartons) (design of red Greek cross with circle around it) "\* \* \* C. J. C. Regulator \* \* \* Mfg. by C. J. Czarnecki, South Bend, Indiana \* \* \*"; and "\* \* \* C. J. C. Rattle-Snake Brand-Liniment \* \* \*".

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the regulator contained iron chlorid, a small amount of plant material, a trace of tansy oil, 18 per cent of alcohol, and water; and that the liniment contained camphor, menthol, 5.2 grains of chloral hydrate per fluid ounce, ether, ammonia, 63 per cent of alcohol, and water.

Misbranding of the regulator was alleged in the indictment for the reason that the statement, to wit, "28% Alcohol," appearing on the bottles and cartons containing the article, regarding the said article and the ingredients contained therein, was false and misleading in that the said statement represented that the article contained 28 per cent of alcohol, whereas, in truth and in fact, it did not contain 28 per cent of alcohol but did contain a less amount, to wit, 18 per cent. Misbranding of the liniment was alleged in substance for the reason that it contained chloral hydrate, and the quantity or proportion of the said chloral hydrate was not stated upon the cartons or upon the labels of the bottles containing the article, and for the further reason that it contained alcohol and ether, and the labels of the said bottles bore no statement as to the quantity or proportion of the said alcohol and ether contained in the said articles. Misbranding of both articles was alleged in substance for the further reason that certain statements appearing on the cartons and labels of the bottles containing the respective articles and in the circulars accompanying the same falsely and fraudulently represented the regulator to be effective as a specific, to wit, a remedy, treatment, or cure for painful or disordered menstruation, leucorrhea (whites), general debilitation, hysteria, ovarian neuralgia or inflammation, bearing-down pain, and all similar diseases peculiar to women, and to be effective in strengthening the reproductive organs of women and in regulating the periods (times); and the liniment to be effective as a remedy, treatment, or cure for rheumatism, influenza, grippe, neuralgia, headache,